

SEP 8 1994

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
Implementation of Section 309(j) ) GN Docket No. 93-252  
of the Communications Act - )  
Competitive Bidding )

TO: THE FEDERAL COMMUNICATIONS COMMISSION:

**ERRATUM OF SOUTHWESTERN BELL CORPORATION  
TO OUR REPLY COMMENTS FILED WITH THE COMMISSION**

Page 6 of our Reply Comments filed on August 19, 1994  
in the above captioned proceeding contained a typographical error  
to footnote 16. Attached is a new copy of Page 6. Please  
substitute this revised version to our August 19, 1994 pleading.

Respectfully submitted,

SOUTHWESTERN BELL CORPORATION

BY: 

ROBERT M. LYNCH  
PAULA J. FULKS  
175 E. HOUSTON  
ROOM 1212  
SAN ANTONIO, TX 78205  
(210) 351-3424

COUNSEL FOR SOUTHWESTERN  
BELL CORPORATION

September 8, 1994

No. of Copies rec'd  
List ABCDE

004

marketing options.<sup>16</sup> In fact, if the management agreement does so, it violates the prohibition of Intermountain against alienating "determination of and the carrying out of policy decisions." It also would constitute a transfer of control and is unlawful in any event.<sup>17</sup> On the other hand, as noted above, a management agreement which does not "cross the line" effectively allows a licensee to employ a set of qualified managers.<sup>18</sup>

Columbia further argues that allowing general management contracts creates the risk of bestowing a competitive benefit upon the management company because it would create access to sensitive marketing information. As SBC noted in its Initial Comments, however, existing antitrust law should serve as a strong deterrent to any attempt to reduce competition in a

---

<sup>16</sup>Columbia's argument that Telephone and Data Systems, Inc. v. FCC, 19 F.3d 42 and Telephone and Data Systems, Inc., 19 F.3d 655 (D.C. Cir 1994) demonstrate that Intermountain should be revisited is completely off the mark. While it certainly is true that wireless services are vastly different today than in 1963, the seven criteria of Intermountain have been applied many times with comparative ease. See, e.g., In re Application of ELLIS THOMPSON CORPORATION, For facilities in the Domestic Public Cellular Radio Telecommunications Service on Frequency Block A in Market No. 134, Atlantic City, New Jersey, File No. 14261-CL-P-134-A-86, 9 F.C.C.R. 1888; 1994 FCC LEXIS 1631, April 20, 1994 Released; Adopted April 19, 1994. (Lexis provided over 35 uses of Intermountain in FCC orders.) The two cases cited by Columbia amount to two attempts, inadequate as it turns out, by the FCC to explain why one management arrangement was acceptable and the other was not. Such difficulties in order drafting do not rise to the level of requiring overhaul of the principles, nor did the court in either case even hint that the agency do so.

<sup>17</sup>See In re Intermountain, *supra* at p. 984.

<sup>18</sup>Columbia's suggestion that the FCC should require management contracts to be priced at fair market value resulting from arm's length negotiations is insulting to the designated entities in that it implies that these companies cannot protect the value of their investment from incursion by the managing company. Further, such an exertion of administrative effort is an odious micromanagement of business by government and should not be attempted.

**CERTIFICATE OF SERVICE**

I, Martha R. Kiely, hereby certify that copies of the foregoing  
ERRATUM to Reply Comments of Southwestern Bell Corporation filed  
on August 19, 1994, have been served by first class United States mail,  
postage prepaid, on the parties listed on the attached.

  
Martha R. Kiely

September 8, 1994

Via Airborne  
Chief, Mobile Services Division,  
Common Carrier Bureau  
FEDERAL COMMUNICATIONS COMMISSION  
1919 M St., N.W., Room 644  
Washington, D.C. 20554

Via Airborne  
Chief, Land Mobile and Microwave  
Division,  
Private Radio Bureau  
FEDERAL COMMUNICATIONS COMMISSION  
1919 M St., N.W., Room 5202  
Washington, D.C. 20554

Robert B. Kelly  
Douglas L. Povich  
KELLY, HUNTER, MOW & POVICH, P.C.  
1133 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
ADVANCED MOBILECOMM TECHNOLOGIES, INC.  
AND DIGITAL SPREAD SPECTRUM  
TECHNOLOGIES, INC.

John L. Bartlett  
Robert J. Butler  
Ilene T. Weinreich  
WILEY, REIN & FIELDING  
1776 K Street, N.W.  
Washington, D.C. 20006  
AERONAUTICAL RADIO, INC.

Richard M. Tettelbaum  
Gurman, Kurtis, Blask & Freedman,  
Chartered  
1400 16th Street, N.W., Suite 500  
Washington, D.C. 20036

Alan R. Shark, President  
AMERICAN MOBILE TELECOMMUNICATIONS  
ASSOCIATION, INC.  
1835 K Street N.W., Suite 203  
Washington, DC 20006

ALLCITY PAGING, INC.

Wayne V. Black, Tamara Y. Davis  
Shirley S. Fujimoto, Brian Turner Ashby, C.  
Douglas Jarrett,  
Michael R. Bennet, Martin W. Bercovici  
KELLER AND HECKMAN  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001  
Attorneys for:  
THE AMERICAN PETROLEUM INSTITUTE  
LOWER COLORADO RIVER AUTHORITY  
RIG TELEPHONES, INC.  
WATERWAY COMMUNICATIONS SYSTEM, INC.

JoAnne G. Bloom  
Frank Michael Panek  
Attorneys for AMERITECH  
2000 W. Ameritech Center Drive  
Hoffman Estates, IL 60195

Bruce D. Jacobs  
Glenn S. Richards  
Fisher, Wayland, Cooper and Leader  
2001 Pennsylvania Ave., N.W.  
Suite 400  
Washington, D.C. 20006

Lon C. Levin, Vice President  
and Regulatory Counsel  
AMSC SUBSIDIARY CORPORATION  
10802 Park Ridge Boulevard  
Reston, VA 22091

Carl W. Northrop  
BRYAN CAVE  
700 Thirteenth Street, N.W.  
Suite 700  
Washington, D.C. 20005-3960

ARCH COMMUNICATIONS GROUP, INC.  
PACTEL PAGING

John D. Lane  
Robert M. Gurss  
WILKES, ARTIS, HEDRICK & LANE, CHARTERED  
1666 K Street, N.W.  
Washington, D.C. 20006  
Counsel for:  
Ronnie Rand  
Executive Director  
ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS  
OFFICIALS-INTERNATIONAL, INC.

Attorneys for the Bell Atlantic John  
M. Goodman, Esq.  
Bell Atlantic  
1710 H Street, N.W.  
Washington, D.C. 20006

S. Mark Tuller, Esq.  
Vice President and General Counsel  
Bell Atlantic Mobile Systems, Inc.  
180 Washington Valley Road  
Bedminster, New Jersey 07921

Charles P. Featherstun  
David G. Richards  
BELLSOUTH CORPORATION  
BELLSOUTH TELECOMMUNICATIONS, INC.  
BELLSOUTH CELLULAR CORP.  
MOBILE COMMUNICATIONS CORPORATION OF AMERICA  
1133 21st Street, N.W.  
Washington, D.C. 20036

Thomas J. Keller  
Michael S. Wroblewski  
Verner, Liipfert, Bernhard, McPherson  
and Hand, Chartered  
901 15th Street, N.W., Suite 700  
Washington, D.C. 20005  
Attorneys for:  
THE ASSOCIATION OF AMERICAN RAILROADS

John T. Scott, III  
CROWELL & MORING  
10001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

William L. Roughton, Jr., Esq.  
Vice President and General Counsel  
Bell Atlantic Personal Communications,  
Inc.  
1310 N. Courthouse Road  
Arlington, Virginia 22201

William B. Barfield  
Jim O. Llewellyn  
BELLSOUTH CORPORATION  
BELLSOUTH TELECOMMUNICATIONS, INC.  
BELLSOUTH CELLULAR CORP.  
MOBILE COMMUNICATIONS CORPORATION OF AMERICA  
1155 Peachtree Street, N.E.  
Atlanta, Georgia 30367-6000

Philip L. Verveer  
Sue D. Blumenfeld  
Jennifer A. Donaldson  
WILLKIE FARR & GALLAGHER  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20036-3384

Michael F. Altschul  
Vice President, General Counsel  
CELLULAR TELECOMMUNICATIONS INDUSTRY  
ASSOCIATION  
Two Lafayette Centre, Third Floor  
1133 21st Street, N.W.  
Washington, D.C. 20036

W. Bruce Hanks  
President  
CENTURY CELLUNET, INC.  
100 Century Park Avenue  
Monroe, LA 71203

Frederick M. Joyce  
Jill M. Lyon  
JOYCE & JACOBS  
2300 M. Street, N.W.  
Suite 130  
Washington, D.C. 20037  
Attorneys for:  
CELPAGE, INC., NETWORK USA, DENTON ENTERPRISES,  
COPELAND COMMUNICATIONS & ELECTRONICS, INC.,  
and NATIONWIDE PAGING

Randall B. Lowe  
Mary E. Brennan  
JONES, DAY, REAVIS & POGUE  
1450 G Street, N.W.  
Washington, D.C. 20005-2088

Michael R. Carper, Esq.  
General Counsel  
CENCALL COMMUNICATIONS CORPORATION  
3200 Cherry Creek Drive South  
Denver, CO 80110

Werner K. Hartenberger, Leonard J. Kennedy  
Laura H. Phillips, Jonathan M. Levy  
Raymond G. Bender, Jr.  
Michael D. Basile  
Steven F. Morris  
DOW, LOHNES & ALBERTSON  
1255 Twenty-Third Street, N.W.  
Suite 500  
Washington, D.C. 20037  
COMCAST CORPORATION  
COX ENTERPRISES, INC.  
VANGUARD CELLULAR SYSTEMS, INC.

John D. Lockton  
Managing Partner  
CORPORATE TECHNOLOGY PARTNERS  
100 S. Ellsworth Ave.  
9th floor  
San Mateo, CA 94401

Russell H. Fox  
Gardner, Carton & Douglas  
1301 K. Street, N.W.  
Suite 900, East Tower  
Washington, D.C. 20005  
THE E.F. JOHNSON COMPANY

Kathy L. Shobert  
Director, Federal Regulatory Affairs  
GENERAL COMMUNICATIONS, INC.  
901 Fifteenth Street, N.W., Ste. 900  
Washington, D.C. 20005

Michael Hirsch  
Vice President of External Affairs  
GEOTEK INDUSTRIES, INC.  
1200 19th Street, N.W., Suite 607  
Washington, D.C. 20036

David A. Reams  
President and General Counsel  
GRAND BROADCASTING CORPORATION  
P.O. Box 502  
Perrysburg, OH 43552

Gail L. Polivy  
1850 M. Street, N.W.  
Suite 1200  
Washington, D.C. 20036

GTE Service Corporation

Ashton R. Hardy  
Bradford D. Carey  
Marjorie R. Esman  
HARDY & CAREY, L.L.P.  
111 Veterans Boulevard  
Suite 255  
Metairie, LA 70005

Louis Gurman  
Richard M. Tettelbaum  
Gurman, Kurtis, Blask & Freedman,  
Chartered  
1400 16th Street, N.W., Suite 500  
Washington, D.C. 20036

THE ILLINOIS VALLEY CELLULAR RSA 2  
PARTNERSHIPS  
PN CELLULAR, INC. AND ITS AFFILIATES

Rodney L. Joyce  
Henry M. Rivera  
Larry S. Solomon  
Jayu S. Newman  
Ginsburg, Feldman and Bress  
1250 Connecticut Ave., N.W.  
Washington, D.C. 20036

William J. Gordon  
V.P. Regulatory Affairs  
IN-FLIGHT PHONE CORP.  
1146 19th Street, N.W., Suite 200  
Washington, D.C. 20036  
METRICOM, INC.

Frederick J. Day, Esq.  
1110 N. Glebe Road, Suite 500  
Arlington, VA 22201-5720  
Attorney for:  
INDUSTRIAL TELECOMMUNICATIONS  
ASSOCIATION, INC.

David L. Nace, Thomas Gutierrez  
J. Justin McClure, Marci E. Greenstein  
Lukas, McGowan, Nace & Gutierrez, Chtd.  
1819 H Street, N.W., Seventh Floor  
Washington, D.C. 20006  
Attorneys for:  
AMERICAN MOBILE TELECOMMUNICATIONS  
ASSOCIATION, INC.  
LIBERTY CELLULAR, INC. d/b/a KANSAS CELLULAR  
MOBILE TELECOMMUNICATION TECHNOLOGIES CORP.  
PACIFIC TELECOM CELLULAR, INC. and  
PIONEER TELEPHONE COOPERATIVE, INC.

Howard J. Symons  
Gregory A. Lewis  
Kecia Boney  
Mintz, Levin, Cohn, Ferris, Glovsky  
and Popeo, P.C.  
Suite 900  
701 Pennsylvania Ave., N.W.  
Washington, D.C. 20004

R. Gerard Salemm  
Senior Vice President of Federal  
Affairs  
Cathleen A. Massey  
Senior Regulatory Counsel  
McCAW CELLULAR COMMUNICATIONS, INC.  
1150 Connecticut Avenue, N.W.,  
4th Floor  
Washington, D.C. 20036

Larry A. Blosser  
Donald J. Elardo  
1801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
Attorneys for:  
MCI TELECOMMUNICATIONS CORPORATION

Michael D. Kennedy  
Director, Regulatory Relations  
Mary Brooner  
Manager, Regulatory Relations  
MOTOROLA, INC.  
1350 I Street, N.W.  
Washington, D.C. 20005

Russell H. Fox  
Susan H. R. Jones  
Gardner, Carton & Douglas  
1301 K Street, N.W.  
Suite 900, East Tower  
Washington, D.C. 20005  
Attorneys for:  
MPX Systems

David E. Weisman, Esquire  
Alan S. Tilles, Esquire  
Meyer, Faller, Weisman and Rosenberg,  
P.C.  
4400 Jenifer Street, N.W.  
Suite 380  
Washington, D.C. 20015  
Attorneys for:  
NATIONAL ASSOCIATION OF BUSINESS AND  
EDUCATIONAL RADIO, INC.

Joel H. Levy  
Cohn and Marks  
1333 New Hampshire Avenue, N.W.  
Suite 600  
Washington, D.C. 20036  
Attorneys for:  
NATIONAL CELLULAR RESELLERS  
ASSOCIATION

David Cosson  
L. Marie Guillory  
2626 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037  
Attorneys for:  
NATIONAL TELEPHONE COOPERATIVE  
ASSOCIATION

Thomas J. Casey  
Simone Wu  
Timothy r. Robinson  
Skadden, Arps, Slate, Meagher & Flom  
1440 New York Avenue, N.W.  
Washington, D.C. 20006  
Attorneys for:  
NEW PAR

William J. Cowan  
General Counsel  
Penny Rubin  
Victoria Ramundo  
NEW YORK STATE DEPARTMENT OF PUBLIC  
SERVICE  
Three Empire State Plaza  
Albany, New York 12223

Robert S. Foosaner, Esq.  
Senior Vice President - Government  
Affairs  
Lawrence R. Krevor, Esq.  
Director - Government Affairs  
NEXTEL COMMUNICATIONS, INC.  
601 13th Street, N.W.  
Suite 1110 South  
Washington, D.C. 20005

G. A. Gorman  
President and General Manger  
NORTH PITTSBURGH TELEPHONE COMPANY  
4008 Gibsonia Road  
Gibsonia, PA 15044-9311

Edward R. Wholl  
Jacqueline E. Holmes Nethersole  
Katherine S. Abrams  
120 Bloomingdale Road  
White Plains, NY 10605  
Attorneys for:  
NYNEX Corporation

Anne P. Jones  
David A. Gross  
Kenneith G. Starling  
SUTHERLAND, ASBILL & BRENNAN  
1275 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Attorneys for:  
PACTEL CORPORATION

Brian D. Kidney  
Pamela J. Rile  
Kathleen Abernathy  
PACTEL CORPORATION  
2999 Oak Road, MS 1050  
Walnut Creek, CA 94569

Mark A. Stachiw  
PACTEL PAGING  
Suite 800  
12221 Merit Drive  
Dallas, TX 75251

Phillip L. Spector  
Susan E. Ryan  
PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON  
1615 L Street, N.W.  
Suite 1300  
Washington, D.C. 20036  
Attorneys for:  
PAGEMART, INC.

Judith St. Ledger-Roty  
Marla Spindel  
REED SMITH SHAW & MCCLAY  
1200 18th Street, N.W.  
Washington, D.C. 20036  
For Themselves and as Attorneys for:  
PAGING NETWORK, INC.

Peter Arth, Jr.  
Edward W. O'Neill  
Ellen S. Levine  
505 Van Ness Avenue  
San Francisco, CA 94102  
Attorneys for:  
THE PEOPLE OF THE STATE OF CALIFORNIA  
and THE PUBLIC UTILITIES COMMISSION OF  
THE STATE CALIFORNIA

James P. Tuthill  
Betsy S. Granger  
140 New Montgomery St. Room 1525  
San Francisco, CA 94105  
Attorneys for:  
PACIFIC BELL AND NEVADA BELL

James L. Wurtz  
1275 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Attorneys for:  
PACIFIC BELL AND NEVADA BELL

Albert H. Kramer  
Robert F. Aldrich  
David B. Jeppsen  
KECK, MAHIN & CATE  
1201 New York Avenue, N.W.  
Washington, D.C. 20005-3919  
Attorneys for:  
PTC CELLULAR

Bruce Renard, Esq.  
PEOPLES TELEPHONE COMPANY  
2300 Northwest 89th Place  
Miami, FL 33172

Corwin D. Moore, Jr.  
PERSONAL RADIO STEERING GROUP  
PO Box 2851  
Ann Arbor, MI 48106

Daryl L. Avery  
Peter G. Wolfe  
Howard C. Davenport  
PUBLIC SERVICE COMMISSION OF THE  
DISTRICT OF COLUMBIA  
450 Fifth Street, N.W.  
Washington, D.C. 20001

Henry Goldbert  
Jonathan L. Wiener  
Daniel S. Goldberg  
GOLDBERG, GODLES, WIENER & WRIGHT  
1229 Nineteenth Street, N.W.  
Washington, D.C. 20036  
Attorneys for:  
RAM MOBILE DATA USA, LIMITED  
PARTNERSHIP

William J. Franklin  
WILLIAM J. FRANKIN, CHTD.  
1919 Pennsylvania Avenue, N.W.  
Suite 300  
Washington, D.C.  
Attorneys for:  
ROAMER ONE, INC.

Michael J. Shortley, III  
180 South Clinton Avenue  
Rochester, NY 14646  
Attorney for:  
ROCHESTER TELEPHONE CORPORATION

Linda C. Sadler  
Manager, Governmental Affairs  
ROCKWELL INTERNATIONAL CORP.  
1745 Jefferson Davis Highway  
Arlington, VA 22202

David L. Jones, Chairman  
Government and Industry Affairs  
Committee  
RURAL CELLULAR ASSOCIATION  
2120 L Street N.W. Suite 810  
Washington, D.C. 20037

Jay C. Keithley  
Leon M. Kestenbaum  
1850 M Street, N.W.  
Suite 1100  
Washington, D.C. 20036

Kevin C. Gallagher  
8725 Higgins Rd.  
Chicago, IL 60631  
Craig T. Smith  
P.O. Box 11315  
Kansas City, MO 64112  
Attorneys for:  
SPRINT CORPORATION

Raul R. Rodriguez  
Leventhal, Senter & Lerman  
2000 K Street, N.W.  
Washington, D.C. 20006  
Attorneys for:  
STARSYS Global Positioning, Inc.

George Y. Wheeler  
Koteen & Naftalin  
1150 Connecticut Avenue, N.W.  
Suite 1000  
Washington, D.C. 20036  
Attorneys for:  
TELEPHONE AND DATA SYSTEMS, INC.

Thomas A. Stroup  
Mark Golden  
TELOCATOR  
1019 19th Street, N.W.  
Suite 1100  
Washington, D.C. 20036

Stuart F. Feldstein  
Robert J. Keller  
Steven N. Teplitz  
Fleischman and Walsh  
1400 Sixteenth Street, N.W.  
Washington, D.C. 20036  
Attorneys for:  
TIME WARNER TELECOMMUNICATIONS

Norman P. Leventhal  
Raul R. Rodriguez  
Stephen D. Baruch  
Leventhal, Senter & Lerman  
2000 K Street, N.W.  
Suite 600  
Washington, D.C. 20006  
Attorneys for:  
TRW Inc.

Martin T. McCue  
Vice President and General Counsel  
Linda Kent  
Associate General Counsel  
UNITED STATES TELEPHONE ASSOCIATION  
900 19th Street, N.W., Suite 800  
Washington, D.C. 20006-2105

Jeffrey S. Bork  
Laurie J. Bennett  
1020 19th Street, N.W., Suite 700  
Washington, D.C. 20036  
Attorneys for:  
U S WEST, Inc.

Jeffrey L. Sheldon  
General Counsel  
Sean A. Stokes  
Staff Attorney  
UTILITIES TELECOMMUNICATIONS COUNCIL  
1140 Connecticut Avenue, N.W.,  
Ste. 1140  
Washington, D.C. 20036